NOTICE OF WITHDRAWAL FROM PLEA (COURT COPY)

Case 4:23-cr-00193-P Document 166 Filed 02/13/24 Page 1 of 2 PageID 1277

Case NO:4:23-CR-00193-P

Date: 02/03/2024

James Peabody

Dear David Wright,

In regard to 18 USC Sec. 3006A and The 6th Amendment, I have a right to adequate representation in the matter and case at hand. When I entered the plea, I was not knowingly aware of what I was pleading to. The government then added many enhancements that I did not plea to and then took away the acceptance of responsibility points using factors that have not been determined as true by a jury. The 5th Amendment is fairly clear in regards to the law and The Constitution was meant to protect rights of anyone charged with a crime. By taking away the acceptance of responsibility and adding enhancements, my rights have grossly been undermined. This is a notice that I wish to pull my plea, as the government has not abided by the plea agreement, and by withdrawing the plea, these factors can be determined by a jury, by and through the evidence and not through false unsubstantiated claims that have been made by the prosecution. A jury and not a judge can then limit the disparity that can be caused by prejudice or judicial despotism. The prosecution has basically just created a case and tried it without a fair fact finding process. Therefore, promises considered, pulling the plea and withdrawing the plea may be the best option. The substantial increase in enhancements has caused undue prejudice by using and pinning false claims and enhancements I did not commit.

You never did go over my sentencing guideline range and plea offer because according to you, I am not your only client that you have to make time for. The next time I saw you was at court when I went to plea. I mentioned to you my concern about pleading and asked what my range would be. Your response was " Just go ahead and plea. I'll make time within the 18 day period to come see you to talk over everything with you, and if you don't like it we will withdraw the plea." To my surprise, you never did show up within that time period that you promised. Then the next time I would see you it was a zoom meeting with you and the probation officer for the PSI interview. I interrupted the meeting and asked you about my guideline range again at the interview. As usual you told me that you are going to make yourself available to come see me to go over it, which never happened again. When I finally saw you in person again you brought the PSR the very last day to object to it. However, we did object the first time, you refuse to object or respond to their denials while you know you got paid to do my job. Once again you were supposed to come and meet with me last week but never followed through. Please withdraw my plea immediately and prepare for trial. In order to prepare, we must file a motion to suppress for 4th Amendment violations and a bad warrant. Then, we can file a motion to dismiss.

Thank you,

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS.

Federal medical Center Po Box 15330 Fortworth Tx 76119

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